

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID B. RICHARDS, JR.,

Plaintiff,

Civil Action No.  
09-CV-10139

vs.

HONORABLE PAUL D. BORMAN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION, GRANTING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT, DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND  
OVERRULING PLAINTIFF'S OBJECTIONS**

This is a social security case. Plaintiff David B. Richards, Jr. ("Richards") challenges the partially favorable final decision of the Commissioner of Social Security ("Commissioner") in which the Commissioner determined that Richards was disabled as of January 1, 2003, but not disabled as of May 26, 2000, the onset date alleged by Richards. The matter was referred to Magistrate Judge Charles E. Binder for all pretrial proceedings. Richards and the Commissioner filed cross motions for summary judgment. Magistrate Judge Binder issued a report and recommendation ("R&R") in which he recommends that the Commissioner's motion [docket entry 15] be granted and that Richards's motion [docket entry 16] be denied.

On August 13, 2009, Richards filed objections to the R&R. The court reviews *de novo* those portions of the R&R to which a specific objection has been made. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In his objections, Richards states that "[t]he sum and substance of the recommendation by the Magistrate is that after the motor vehicle accident of May 26, 2000, the

Plaintiff was no longer disabled because the claimant's frontal laceration as of July 2000, was well healed." The Court disagrees with this statement. In addition to noting that "Plaintiff's frontal lacerations from his car accident were 'well-healed,'" the Magistrate Judge noted as follows:

The doctor noted that Plaintiff does complain of some double vision, but extraocular movements are grossly intact." (*Id.*) A CT scan performed on August 1, 2008, showed the "area of encephalomalacia and pneumocephalus is smaller" and that "his CSF leak has sealed off." (Tr. at 214.) On August 17, 2000, Plaintiff's doctor noted he "has had no significant headaches," "no CSF leak," "does still note some double vision, although his extraocular movements seem intact" and had "complete resolution of the pneumocephalus." (Tr. at 213.)

R&R at 9. Moreover, the Magistrate Judge noted that "although Plaintiff now argues that the 'seizures have continued from 2000 to 2003,' (Doc. 16 at 34), his own statements to doctors and the medical evidence do not support his current stance." *Id.*

Having reviewed this matter *de novo*, the Court finds that Magistrate Judge Binder correctly and thoroughly analyzed all of the issues presented and that he reached the proper conclusions for the proper reasons. Therefore, the Court will accept and adopt the Magistrate Judge's recommendations as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that the Magistrate Judge's R&R is accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [docket entry 15] is granted.

IT IS FURTHER ORDERED that Richards' Motion for Summary Judgment [docket entry 16] is denied.

IT IS FURTHER ORDERED that Richards' objections are overruled.

S/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 29, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 29, 2009.

S/Denise Goodine  
Case Manager